

DUBLIN TRAMWAYS BILL.

RETURN to an Order of the Honourable The House of Commons,
dated 8 May 1873;—for,

COPY "of a REPORT of the Chief Commissioner of Police for the Police District of Dublin Metropolis to the Chief Secretary to the Lord Lieutenant of Ireland, dated the 1st day of May 1873."

Metropolitan Police Office, Castle,
1 May 1873.

My Lord,

As Chief Commissioner of Police for Dublin Metropolis, I consider it necessary to draw the attention of your Lordship to the proposed incorporation in the Dublin Tramways Bill, now before Parliament, of the 78th section of the Dublin Tramways Act, 1871 (*vide* Clause 5 and Schedule at end of Bill), and to the circumstances connected with the passing of that section into law. I am informed that when the Act of 1871 was introduced as a Bill into Parliament, it was proposed to enact that the "Corporation should have the like power of making and enforcing rules and regulations, and of granting licenses with respect to all carriages using the tramways, and to all drivers and conductors and other persons having charge of or using the same, and to the standings for the same as they are for the time being entitled to make, enforce, and grant with respect to hackney carriages, and the drivers and other persons having the charge thereof, and to the standings for the same in the streets and district of or under their control."

As the Corporation had no such power which was and is vested in "the Commissioners of Police for the Metropolitan Police District" by the 16 & 17 Vict. c. 112, 17 & 18 Vict. c. 45, and 18 & 19 Vict. c. 65, the Bill was, it appears, altered in Committee without the knowledge of the Police Commissioners, giving the Corporation the same powers to make rules and regulations as the Commissioners possess under the Acts above mentioned.

The Commissioners of Police derive a revenue from such licenses, which forms part of the income and is applied towards defraying the cost of the Police Establishment in Dublin.

The Dublin Carriage District extends by law to a distance of 10 statute miles in every direction from the General Post Office in the city of Dublin, and therefore includes, in all their extent, the tramway lines at present completed as well as the other tramways authorised to be made under the Tramways Act, 1871. The *Municipal District* is limited to the city proper, and consequently, the major portion of the tramway lines already authorised, and now proposed to be extended, is altogether outside the city boundaries; where, of course, the jurisdiction of the Corporation does not extend.

Moreover, it appears clear that the Legislature could not have intended the Corporation to grant licenses for the city portion of the tramways, and the Commissioners of Police for the "suburban" portion, a dual jurisdiction which would be practically impossible to carry out. By the two first mentioned Acts (16 & 17 Vict. c. 112, and the 17 & 18 Vict. c. 45) all omnibuses plying within the carriage district are licensed by the Commissioners of Police as stage carriages and pay an annual duty of 8*l.* to the police funds for each vehicle.

In July 1872 a letter was addressed to the Commissioners of Police by the managing director of the Dublin Tramways Company, stating that he expected
189. to

to take over 13 omnibuses, licensed to a Mr. John Wilson, and that an application would be made to the Commissioners, in proper form, for the transfer of the licenses to the company in order to use them within the police district of Dublin metropolis as soon as the tramway cars could be substituted for the omnibuses. After taking the opinion of counsel, the Chief Commissioner considered that it was legal for him to grant the said transfers, and they were transferred accordingly.

The Corporation, under the powers of the said 78th section, made certain rules and regulations, and applied in the usual manner to the Recorder of Dublin to confirm them, and the Police Commissioners thought it their duty to oppose same. At the hearing, in November 1872, counsel, on behalf of the Corporation, the Tramway Company, and the Commissioners of Police, appeared, and the Recorder determined that, as on the whole he had much doubt on all the points raised, and also on the question whether the 78th section required his approval, if any bye-laws were made thereunder, he would arrive at no decision, but simply declare "No rule." I may here mention that under the Dublin Carriage Acts before referred to, Rules and Regulations made by the Commissioners of Police must be approved by the Recorder, otherwise they would possess no legal validity.

Under these circumstances I venture to hope that the subject will be brought before the Committee of the House of Commons on the Tramways Bill of the present Session; and that, instead of extending the 78th section to the tramways proposed in this Bill, that section should altogether be repealed; and in that event the Commissioners of Police will be enabled to grant licenses for tramway cars as well as for hackney carriages over the whole of the Dublin metropolitan carriage district.

I have, &c.
(signed) *Hy. Atwell Lake,*
Chief Commissioner of Police.

The Right Honourable
the Chief Secretary of State, Ireland.

SECRET TELETYPE MESSAGE

COPIES of a Report of the Chief Commissioner
of Prisons for the Police District of Middle
Metropolis, to the Chief Secretary to the Lord
Lieutenant of Ireland, dated the twenty of May
1852

(Marginal of Birmingham)

Printed by the General Government, at the Station
1 May 1852

18p.

Order 1. 20